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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,872	09/17/2001	Ekapot Bhunachet	P01619	9445

7590 02/23/2006

MR. ERKAPOT BHUNACHET  
2-32-22 KASUGA, TSUKUBA  
IBARAKI, 305-0821,  
JAPAN

EXAMINER
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MANTIS MERCADER, ELENI M

ART UNIT	PAPER NUMBER
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3737

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/936,872

Applicant(s)

BHUNACHET, EKAPOT

Examiner

Eleni Mantis Mercader

Art Unit

3737

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
b) ☐ They raise the issue of new matter (see NOTE below);  
c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: -. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-25.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.



Eleni Mantis Mercader  
Primary Examiner  
Art Unit: 3737

Continuation of 3. NOTE: The currently amended claims appear to be substantially different than the previously submitted claims requiring further consideration and search. Also claim 34 is incomplete making its evaluation impossible (a copy of the claim as it was provided to the Examiner is attached).

- 34) (New) A fluorescence electronic endoscopic system for viewing subject matter comprising, in combination:
- I) at least one excitation light emitting system structured and arranged to illuminate the subject matter with excitation light;
  - II) at least one non-excitation light emitting system structured and arranged to illuminate the subject matter with non-excitation light;
  - III) at least one alternating system structured and arranged to alternate use of said at least one excitation light emitting system and said at least one non-excitation light emitting system,
    - ① wherein said at least one alternating system is structured and arranged to illuminate the subject matter for first periods of time essentially only said at least one excitation light emitting system, and
    - ② wherein said at least one alternating system is structured and arranged to illuminate the subject matter for second periods of time by said at least one non-excitation light emitting system;
  - IV) at least image sensing system, structured and arranged to sense images of the subject matter, comprising,
    - ① at least one color CCD inside an endoscope,
    - ② at least three video channels, wherein:
      - 1. at least one of said video channels is structured and arranged to differentiate without using any filters or dichroic mirrors between the excitation light and the fluorescence emitted from the subject matter, and transmit only the fluorescence image during such first period of time, and
      - 2. at least two of said video channels are structured and arranged each to transmit at least one such image sensed during such second period of time
  - V) at least one superimposing system structured and arranged to superimpose such images sensed by said image sensing system,
    - ① wherein at least one such image sensed during such first period of time is superimposed with at least one such image sensed during such second period of time to create at least one such superimposed image; and

## REMARKS

If there are any fees required by this communication, please inform the applicant at the fax phone number -81-29-851-8721.

Respectfully submitted,

Date: April 4, 2005

By: Ekapot Bhunachet  
 Ekapot Bhunachet  
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 81-29-851-8721  
 Applicant

## CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with EMS mail in an envelope addressed to Eleni Mantia Mercader, Primary Examiner, Art Unit 3787, UNITED STATES PATENT AND TRADEMARK OFFICE, P.O. Box 1450, Alexandria, VA. 22318-1450, on April 4, 2005,

Name of applicant:

Ekapot Bhunachet

Date of Sig.: April 4, 2005

Signature: Ekapot Bhunachet

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